

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 18–28 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 1-17 are canceled.

The Specification was objected to because of the language and format of the Abstract. In response, a new single paragraph Abstract which is clear and concise has been submitted. Accordingly, Applicants believe this objection has been overcome.

Claims 1-11 and 14-17 were rejected under 35 U.S.C. § 102(a) as being anticipated by Keller et al. (Article entitled “Adaptive Modulation Techniques for Duplex OFDM Transmission,” IEEE Trans. on Vehicular Tech. Vol. 49, No. 5, Sept. 2000, pp. 1893-1906). However, the present invention “precalculat[es] adaptive loading tables, each loading table containing x subcarriers for modulation with a lower modulation scheme, y subcarriers for modulation with a standard modulation scheme, and z subcarriers for modulation with a higher modulation scheme (x, y, and z are integer numbers).” (Claims 18, 25, and 26) In other words,

the present invention pre-calculates adaptive loading tables for the different modulation schemes. (Specification starting at page 12, line 24) The Examiner contends “Keller further teaches the selection of the modulation scheme loading tables is calculated for the subcarriers, wherein the loading tables have respectively one entry for each subcarrier. (Section II (A. System Model, Third Paragraph lines 1-4), Section II (D. Choice of the Modulation Scheme, First Paragraph), the set of modulation schemes is the loading table).” (Office Action page 4) However, Keller does not discuss the concept of “loading tables,” much less pre-calculating adaptive loading tables as required in the present claims. While Keller’s set of modulation schemes could in theory be used to calculate loading tables, it is not by itself the same as a loading table. Accordingly, Keller fails to meet the present invention’s “precalculating adaptive loading tables” limitation and the claims should now be allowed.

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keller in view of Lindskog et al. (Published patent application US 2001/0031626) However, Lindskog is relied upon solely to meet limitations in the dependent claims. Accordingly, for the foregoing reasons, the combination of Keller and Lindskog fail to obviate the present claims.

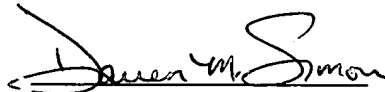
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", is written over a horizontal line.

Darren M. Simon
Reg. No. 47,946
(212) 588-0800